

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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| 3 BROTHERS PLUMBING & HEATING, LLC,             | : |                  |
|   | : |                  |
| Plaintiff,                                      | : | 1:23-cv-4044-GHW |
|   | : |                  |
| -v -  | : | <u>ORDER</u>     |
|   | : |                  |
| JOSEPH DESILVA, <i>et al.</i> ,                 | : |                  |
|   | : |                  |
| Defendants.                                     | : |                  |
|   | : |                  |
|   | X |                  |
| GREGORY H. WOODS, United States District Judge: |   |                  |

Plaintiff commenced this action on May 15, 2023, alleging that the defendants unlawfully retained funds owed to Plaintiff for his contracting services. *See generally* Compl. Dkt. No. 1. The complaint alleged that “Kings County is the Place of venue as it is the principal place of business and domicile for Plaintiff.” Compl. ¶ 6.

Because Kings County is in the Eastern District of New York, *see* 28 U.S.C. § 112(c), not this District, the Court issued an order to show cause as to why this case should not be transferred to the Eastern District of New York on May 17, 2023. Dkt. No. 3. In that order, the Court noted that there “are no allegations in the complaint describing the occurrence of events or the residence of any defendant in the Southern District of New York.” Dkt. No. 3 at 1. The Court also noted that “the Court is inclined to transfer this case, pursuant to 28 U.S.C. § 1406(a), to the Eastern District of New York, which encompasses Kings County, which Plaintiff has described as the basis for venue in this Court.” *Id.* at 2. Finally, the order gave Plaintiff until no later than May 22, 2023 to show cause as to why the case should not be transferred to the Eastern District of New York (or to consent to transfer). *Id.* at 2; *see* 28 U.S.C. § 1406(a).

Plaintiff has not responded to the order to show cause. Because venue does not lie in this district, and the interest of justice weighs in favor of transferring the case to the district that

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encompasses the county identified as the proper venue, this case is hereby transferred under 28 U.S.C. § 1406(a) to the District Court for the Eastern District of New York.

The Clerk of Court is directed to transfer this case to the District Court for the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on Defendants and to retain proof of service.

SO ORDERED.

Dated: May 24, 2023  
New York, New York

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GREGORY H. WOODS  
United States District Judge